

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Chapter 7
	:	Bankruptcy No.: 18-12499-ELF
JAMES E DIDIO	:	
Debtor.	:	
M&T BANK A/K/A MANUFACTURERS	:	
AND TRADERS TRUST COMPANY	:	
S/B/M TO HUDSON CITY SAVINGS BANK's	:	
Movant,	:	
v.	:	11 U.S.C. §362
JAMES E DiDIO	:	
DEBTOR	:	
GARY F SEITZ, Trustee	:	
Respondents	:	

ORDER

AND NOW, this day of , 20__, upon consideration of Marla Green's Opposition to M&T BANK A/K/A MANUFACTURERS AND TRADERS TRUST COMPANY S/B/M TO HUDSON CITY SAVINGS BANK's Motion for Relief From Automatic Stay and any response thereto, it is hereby:

ORDERED and DECREED, that the Motion for Relief From Automatic Stay is DENIED.

By the Court: _____

United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Chapter 7
	:	Bankruptcy No.: 18-12499-ELF
JAMES E DIDIO	:	
Debtor.	:	
M&T BANK A/K/A MANUFACTURERS	:	
AND TRADERS TRUST COMPANY	:	
S/B/M TO HUDSON CITY SAVINGS BANK's	:	
Movant,	:	
v.	:	11 U.S.C. §362
JAMES E DiDIO	:	
DEBTOR	:	
GARY F SEITZ, Trustee	:	
Respondents	:	

**MARLA GREEN, PARTY IN INTEREST'S ANSWER IN OPPOSITION
TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

Marla Green ("Party in Interest"), and a Plaintiff in an Adversary Matter seeking non-discharge against Debtor, through her counsel Paul A.R. Stewart, respectfully submits this Opposition to the M&T BANK A/K/A MANUFACTURERS AND TRADERS TRUST COMPANY S/B/M TO HUDSON CITY SAVINGS BANK's Motion ("Creditor" or "Movant") for relief from the automatic stay filed on December 12, 2018, as follows:

1. Admitted.
2. Admitted debtor and Marla Green are joint owners of premises.
3. Admitted debtor and Marla Green are parties to a mortgage on the premises.
4. Admitted.
5. Admitted as to stay.
6. Denied. Marla Green asserts mortgage obtained through artifice and seeks non-discharge of debtor related to this mortgage debt.
7. Denied as to amount, late charges, and attorney's fees and costs.
8. Marla Green asserts the property is worth in excess of \$5 Million Dollars and seeks to protect equity in the property and non-discharge of debtor related to this mortgage.

9. Admitted as to schedules.

10. Denied as to amount owed or due to another bank.

11. Denied as to costs, legal fees incurred. Denied as to prospective damages.

12. Denied. Movant has asserted no basis for cause. Likewise, movant has indicated the property has equity over \$1,630,000 which on its face provides adequate protection to movant. Marla Green asserts equity exists in the property in excess of \$2 million dollars.

13. Denied Movant is entitled to unearned fees or prospective costs. Movant cannot retain or reserve rights to speculative reimbursements or fees unearned.

WHEREFORE, Debtor prays this Honorable Court deny Movant's Motion for Relief From Automatic Stay.

Date: December 27, 2018

Respectfully submitted,

Helm Legal Services LLC

/s/ Paul A R Stewart

Legal Helm, LLC

Paul A.R. Stewart, Esquire

Attorney for Party in Interest

333 East Lancaster Avenue

Suite 140

Wynnewood, Pennsylvania

19096

(610) 864-5600

pstewart@helmlegalservices.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Marla Green's Opposition to M&T BANK A/K/A MANUFACTURERS AND TRADERS TRUST COMPANY S/B/M TO HUDSON CITY SAVINGS BANK's Motion for Relief From Automatic Stay was served on December 27, 2018, by means of the Court's CM/ECF system or via first-class mail, postage prepaid, upon the following:

MOVANT

Rebecca Solarz, Esquire
KML Law Group PC
701 Market Street, STE 5000
Philadelphia, PA 19106

Harry J Giacometti, Esquire
Flaster/Greenberg, P.C.
1835 Market Street, STE 1050
Philadelphia, PA 19103
Debtor, James E DiDio counsel.

United States Trustee (via ECF)
833 Chestnut Street, Suite 500
Philadelphia, PA 19107

Gary F. Seitz, Esquire (Trustee)
Chapter 7 Trustee
Curtis Center, 601 Walnut Street STE 750
Philadelphia, PA 19107

/s/ Paul A R Stewart
Legal Helm, LLC
Paul A.R. Stewart, Esquire
333 East Lancaster Avenue
Suite 140
Wynnewood, Pa 19096
(610) 864-5600
pstewart@helmllegalservices.com